

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DESDEMONA OFFLEY

Plaintiff

-against-

FIRST AMENDED COMPLAINT
PLAINTIFFS DEMAND
TRIAL BY JURY

THE CITY OF NEW YORK, DETECTIVE
ANDREW FAGO, Sh. # 2171 , DETECTIVE MARTIN
BANGHART, Sh. # 1819, DETECTIVE DELPRETE, Sh. # 1973
DEPUTY INSPECTOR ROBERT HANSON, DETECTIVE
BRENDAN O'BRIEN, SGT. HILLERY, DETECTIVE
VINCENT ORSINI, Sh. #5859, DETECIVE JENNIFER
CHILDS, Sh. # 0222, DETECTIVE NELVA CENTENO,
Sh. # 03109, DETECTIVE STEPHANIE SANCHEZ, SH. # 03033
DETECTIVE LAWRENCE COGNATO, Sh. # 00166
and P.O. JOHN DOE
1-15

11-cv-9214

Defendants

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AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF DESDEMONA OFFLEY

1. This is a civil action for damages brought pursuant to redress the deprivation by defendants of the rights secured to plaintiffs under the Constitution and laws of the United States and State of New York. The defendants, upon information & belief, without a warrant and without probable cause, unlawfully entered the home of, assaulted, arrested and falsely imprisoned the plaintiffs.

2. That the jurisdiction of this Court is invoked under the provisions of Section 1331 & 1383 of Title 28 and Sections 1983 & 1988 of Title 42 of the United States Code . Plaintiff further invokes the pendant jurisdiction of this Court to consider claims arising under state law. The amount in controversy exceeds \$75,000.00 excluding costs and attorney's fees.

3. That at all times hereinafter mentioned, the plaintiff DESDEMONA OFFLEY was and

still is a resident of the County of Kings, City & State of New York.

4. Upon information and belief the defendant THE CITY OF NEW YORK was and is a municipal corporation organized and existing under the laws of the City and State of New York.

5. That the defendant DETECTIVE ANDREW FAGO, Sh. # 2171, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

6. That the defendant DETECTIVE MARTIN BANGHART, Sh. # 1819, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

7. That the defendant DETECTIVE DELPRETE, Sh. # 1973, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

8.. That the defendant DEPUTY INSPECTOR ROBERT HANSEN, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

9. That the defendant DETECTIVE BRENDAN O'BRIEN, Sh. # 6356, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

10. That the defendant SGT. HILLERY, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

11.. That the defendant DETECTIVE VINCENT ORSINI, Sh # 03033, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

12. That the defendant DETECTIVE JENNIFER CHILDS, Sh. # 0222, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

13. DETECTIVE NELVA CENTENO, Sh. # 03109 was and is an agent servant and employee of the defendant THE CITY OF NEW YORK .

14. That the defendant DETECTIVE STEPHANIE SANCHEZ, Sh. # 03033, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK..

15. That the defendant DETECTIVE LAWRENCE COGNATO, Sh. # 00116, was & is an

agent, servant & employee of the defendant THE CITY OF NEW YORK.

16. That the defendant POLICE OFFICER JOHN DOE # 1-15, was & is an agent, servant & employee of the defendant THE CITY OF NEW YORK.

17. That on or about the 21st day of May, 2010 the plaintiff DESDEMONA OFFLEY was present at 15 Hamilton Street, Staten Island, County of Richmond , City & State of New York.

18. That while at the aforesaid time and place the plaintiff was unlawfully and without just cause, approached, accosted, and arrested & imprisoned in her own home for about two hours by the aforementioned officers of THE NEW YORK CITY POLICE DEPARTMENT who were agents, servants and employees of the defendant THE CITY OF NEW YORK who were acting under color of law during the aforesaid transactions.

19. That by reason of the foregoing the plaintiff suffered serious and severe psychological injuries some of which, upon information & belief are permanent in nature.

20. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF DESDEMONA OFFLEY

21. Plaintiff repeats, realleges and reiterates each and every allegation of the complaint in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

22. That the defendants unlawfully damaged the property of the plaintiff DESDEMONA OFFLEY at the aforesaid date and time.

23. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of FIVE THOUSAND DOLLARS.

AS AND FOR A THIRD CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF DESDEMONA OFFLEY

24. Plaintiff DESDEMONA OFFLEY repeats, realleges and reiterates each and every allegation of the complaint in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

25. That while at the aforesaid time and place the plaintiff was unlawfully and without just cause, approached, accosted, & falsely arrested & imprisoned for a period of about 24 hours by the aforementioned officers of THE NEW YORK CITY POLICE DEPARTMENT who were agents, servants and employees of the defendant THE CITY OF NEW YORK who were acting under color of law during the aforesaid transactions.

26. That the plaintiff was wrongfully charged with violation of the Penal Law of the state of New York, including, but not limited to a violation of Penal Law 221.05, under docket number of the Criminal Court of the City of New York & County of Richmond # 2101RI004844

27. In the manner as aforesaid, each of the defendants, jointly & severally, acted maliciously, willfully and wantonly, and outside the scope of his jurisdiction, although under color of law, and violated the following rights of the plaintiff; to be free from unreasonable search & seizure, from warrantless search & seizure, from , summary punishment without trial & due process of law.

28. Defendants, its agents servants and employees, by their conduct herein alleged, intentionally, willfully and without justification, and under color of law did deprive the plaintiff of his rights, privileges and immunities secured to him by the Constitution and the laws of the United States, and by 42 U.S.C. Sections 1983 & 1988 and by the statutes and laws of the state of New York which are invoked under the pendant jurisdiction of this Court.

29. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A FOURTH CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF DESDEMONA OFFLEY

30. Plaintiff DESDEMONA OFFLEY repeats, realleges and reiterates each and every allegation of the complaint in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

31. That the plaintiff DESDEMONA OFFLEY was maliciously prosecuted under docket number 2010RI004844 of the Criminal Court of the City of New York and County of Richmond .

32. That the aforementioned criminal action was eventually dismissed on or about the 19th day of September, 2011 before the Honorable Alan Meyer.

33. That by reason of the foregoing the plaintiff suffered serious and severe psychological injuries some of which, upon information & belief are permanent in nature.

34. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF DESDEMONA OFFLEY

35. Plaintiffs repeats, realleges and reiterates each and every allegation of the complaint with the same force and effect as if more fully set forth at length herein.

36. The defendant THE CITY OF NEW YORK was careless, reckless and negligent in the selection, investigation, hiring, training, supervision and direction of their employees, and in

particular, the individually named defendants.

37. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF
OF ALL OF DESDEMONA OFFLEY

38. The plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

39. At all times material to this complaint, defendant THE CITY OF NEW YORK had de facto policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.

A. 40. At all times material to this complaint, defendant THE CITY OF NEW YORK failed to properly train, screen, supervise, or discipline employees and police officers, and failed to inform the individual defendants' supervisors of their need to train, screen, supervise or discipline the individually named defendants and DOES. The policies, practices, customs, and usages were a direct and proximate cause of the unconstitutional conduct alleged herein, causing injury and damage in violation of plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

41. As a result of the foregoing, each plaintiff was deprived of liberty, suffered bodily and emotional injury, pain and suffering, great humiliation, costs and expenses, and was otherwise damaged and injured.

WHEREFORE, the plaintiff respectfully preys to the court for judgment upon each cause of action as follows:

a. Compensatory damages in an amount which this Court shall consider to be just and fair:

b. Punitive and exemplary damages in an amount which this Court shall consider to be just & fair;

c. Attorney's fees in an amount which this Court shall consider just & fair;

d. Together with the costs and disbursements of this action and such other and further relief which this Court may seem just & proper.

DATED: BROOKLYN, NY

April 11, 2012.

-----/s/-----

MICHAEL COLIHAN (MC-0826)

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